

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, April 22, 2015

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, April 22, 2015 at 7:00 P.M. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

Regular Meeting 7:00 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
 - a. Tonights Agenda
 - b. Meeting minutes of April 8, 2015.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
7. Public Hearings:
8. Action Items:
 - a. Resolution 2015-01 acceptance of the Town of Leeds Road Easement
9. Discussion Items:
 - a. Local Sales Tax option
 - b. DXATC (Dixie Applied Technology College) funding
 - c. 2015-2016 Budget timeline
 - d. Discussion regarding Ordinance 2015-02, Land Use Ordinance Chapter 20, Hillside Protection Overlay Zone
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports

Closed Meeting: A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale, exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).
12. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.
The Town of Leeds is an equal opportunity provider and employer.
Certificate of Posting:
The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted April 21, 2015 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leedstown.org.



Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Town Council Meeting April 8, 2015

1. Call to order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 6:31pm on April 8, 2015, at Leeds Town Hall, 218 N Main.

A motion to close the public meeting and move into a "Closed" meeting to discuss litigation; as allowed by Utah state Law 52-4-205(1)(c) was made by Councilmember Allen, with a 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR				x
COUNCILMEMBER: JOE ALLEN	x			
COUNCILMEMBER: NATE BLAKE				x

The closed meeting began at 6:31pm and went until 7:06pm. The public meeting reconvened at 7:07pm.

2. Roll Call:

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: RON CUNDICK	x	
COUNCILMEMBER: ANGELA ROHR	x	
COUNCILMEMBER: JOE ALLEN	x	
COUNCILMEMBER: NATE BLAKE		x

3. Pledge of Allegiance by Councilmember Allen.

4. Declaration of Abstentions or Conflicts: None.

5. Approval of Agenda:

Mayor Peterson, action item 8a on tonight's agenda will be tabled and expected to be on the April 22, 2015 Town Council meetings agenda. With that change to the agenda, can I have a motion to approve tonight's amended agenda and meeting minutes of March 25, 2015.

Councilmember Rohr, I so move. 2nd by Councilmember Allen. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			

COUNCILMEMBER: ANGELA ROHR	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

6. Citizen Comments: None.

7. Announcements:

a. Eagle Scout project, CCC Camp

Kody Allen, we are seniors in High School and we are in a government class that requires an A4 project to graduate. It requires some type of service for Government and we chose to help out at the CCC Camp.

Caden Carhley, we first had plans to build doors for the CCC camp; however, that fell through with the short time at school and the funding. We talked to Ms. Barnes and she gave us the idea to repaint the awnings and trim around the buildings to make them look new again. Mayor Peterson, we do have someone in public works and I would just ask you to coordinate with him.

Councilmember discussed the project with Kody and Caden further. The Mayor thanked them for their service work and their willingness to do it in the Town of Leeds.

b. Eagle Scout project, Cemetery

Logan Seegmiller, I am currently a Boy Scout and will be working on my Eagle project at the Cemetery. What I will be doing is relocating and rebuilding the directory and also update the plat map.

Matthew Seegmiller, I will be refurbishing the 2 benches that are already there and build a few new ones. I will also be repainting the storage building and trash cans a brown color and put pvc pipe by the Veterans graves so it is easier to put flags up.

Mayor Peterson, we sat down with Darrell Nelson and discussed this. Some of these projects Darrell has long wanted to see happen at the Cemetery. It is very nice that it is something that can finally move forward.

Councilmember discussed the project and the Mayor thanked Logan and Matthew for their service work they will be doing for the Town.

8. Public Hearings: None.

9. Action Items:

- a. Discussion and possible action regarding adoption of Ordinance 2015-02, Land Use Ordinance Chapter 20, Hillside Protection Overlay Zone
Item tabled until next Town Council meeting.

10. Discussion Items:

a. Leeds Monument Sign, Don Fawson

Mayor Peterson, Don Fawson has brought me a proposal. What he has suggested is, on the Town Monument sign using reflective tape so headlights would illuminate the lettering at night. Don is willing to do the labor if the Town will cover the material.

Don Fawson, the sign at the end of Town is a beautiful thing and it is unfortunate that it only works about 12 hours of the day because at night it just kind of disappears. I went down to Rainbow Sign and Banner and looked at reflective material. During the day it is black and at night it will light up. The cost is between \$200.00 and \$300.00 dollars for the material. It is

sold by the square foot and is about \$13.00 a square foot. I will start out with about 16 square feet.

Mayor Peterson, how long will the tape last?

Don replied; where it is out in the sun, typically 3 to 5 years then you just replace it.

Councilmember Cundick, how easy is it to replace? Does it peel off, or is it like masking tape that gets stuck.

Don replied; it is pretty sticky stuff. I have taken some reflective tape off a trailer I have been redoing. They do have a material that is made to take it off.

Councilmember Cundick, I am more concerned with how it is going to look in 3 to 5 years from now when it starts to fade or deteriorate.

Don, the problem to me is that leaving it the way it is, we don't get use out of that sign. If I am still around, I am still willing to work on it. If not, somebody else will have to take care of it.

Councilmember Rohr what about using a solar spot light, would that be sufficient to illuminate the sign?

Don, I have no idea what that would look like. My personal opinion is that this is the same material they use on the freeway sign. They do eventually deteriorate and have to be replaced, but the life span is very good and this would be much more even than just a little light down there.

Mayor Peterson, I thought about a solar light as well, but there were two things that concerned me. One is that solar lights are not attached to anything and the other part is we have a Lighting Ordinance, which I am sure we could satisfy. I think the spirit of the Lighting Ordinance is that we are trying to reduce the amount of light that is just shining around Town without a particular purpose. What I like about this idea is it will light up when someone is there to see it and then go dark when there are no longer headlights there.

Councilmember Allen, I like the idea. It is not an action item; however, being under \$500.00 it does not need to be, so you have my support.

The Mayor indicated that we have money within this fiscal year's budget under roads and told Don he could go ahead with the project.

Don, I talked to Rainbow Sign and Banner and they will need a note from the Town to allow me to use the Town's account so it will be Tax free for this project.

Mayor Peterson, we will arrange for that tomorrow so you can get started as soon as you would like after that.

11. Citizen Comments:

Don Fawson has the following suggestions and discussed them with Councilmembers;

1. There is a large hole down in front of the Town Monument Sign that needs to be filled.
2. There is a large crack down the center of the road by Babylon and Boulder Way and a few small cracks on Babylon that need to be fixed.
3. Install curbing on the north side of Vista Road.
4. With the funds the Town will be receiving from the Rap Tax, consider putting in a pickle ball court at the Town Park.

Mayor Peterson, we did contract about a month ago to have a consultant come and do an assessment on all the Town's roads. We are mindful of doing preventative maintenance and we are expecting that report by next Town Council meeting. We will then know Town wide what the issues are. He is looking at the types of things you raised and I appreciate you raising them as well.

Don discussed Vista road with Councilmembers further.

Councilmember Allen while we are talking about roads, there are 2 spots that need some attention. There is a sink hole developing on Oak Grove Road right before you get to the bridge. A similar thing is happening on Silver Reef Drive about ¼ away from the intersection as you head towards the Museum.

12. Staff Reports:

Mayor Peterson, I was at a Mayor's association meeting for Washington County yesterday. There was a presentation by DXATC (Dixie Applied Technology College). They have received funding from the state for a little over \$30,000,000 million dollars; however, the State has now told them that they want the \$13,000,000 million dollar local contribution to be in place before they release any of the State money. This is to build a campus for the Technical College up on the old Airport site in St George. It will be a single building, three stories high that will provide room for their existing programs and currently planned programs. They now have 20 programs that generate certificates that allow people to advance themselves from an employment standpoint. The only entities that are able to really bond for it are, the City of St George and the County; they are the only two really in a position to do that. They are not dismissing that; however, they are asking if Towns are willing to pass a Resolution in support of the school itself and stating that they think it is something that is beneficial to our citizens and our business prospects in regards to that. It is just really a statement of support. We are not looking at doing that tonight, it's just trying to come up with ways so they would be able to make use of State money that's available by being able to successfully bond for it. The bonds would be issued to the public sector; they would be municipal bonds that would allow people the tax advantages. What needs to be done is convince these bond holders that it is a good risk lending money into this particular project. The property itself is not going to be owned by the school, so they are not able to mortgage against the property. The property will become State property as a result of the funding that they are providing. If at any point people would like to provide input, come and discuss this with me. It will be brought up again in a month at the Mayors' meeting, if people are interested in offering up these statements of support.

Elliott Sheltman, what is the name of the school and does it exist now?

Councilmember Allen responded, Dixie Applied Technology College and yes, they exist right now.

Councilmembers discussed the different building locations that Dixie Applied Technology College has now.

Steve Lewis, I had a son that graduated for there with a certificate and it has changed his life because it was technical and he needed that for his occupation. I have attended 3 classes within the last 6 months at the existing one. While I was attending the last one, I learned that Southern Utah Post Academy for Law Enforcement is held there. As far as I am concerned, it is the real deal. It is absolutely great and imperative to the people who want to further their careers and education in our Town.

Don Fawson, I took a welding class through them and it had to be held at the High School, which was limited in what they could actually do down there because they didn't have the facilities to do it.

Councilmember Allen, I think you will find stories like that throughout the community.

Mayor Peterson, I know one thing that I read about 6 months back is that, in the past 25 years the number of Bachelor Degrees that have been granted in the United States has doubled; however, over that time period the number of jobs that require a Bachelor's Degree has only grown by 35%. There is a bit of a mismatch and the types of programs that are offered at this school are different from those offered at Colleges and Universities. They lead people to

employment in fields that need employees right now. I know medical technology is one area that they have several programs in right now.
Steve Lewis, they are doing police and fire, that is my association with it, it's just good.
Councilmember Rohr, do you know if it is private.
Mayor Peterson, I believe it is part of a State system.

Councilmember Rohr asked Bob Goldsberry the Clerk/Recorder if he went to the Tree City USA luncheon?

Bob replied yes, I did and we received our award. I will discuss what the award was with you later.

Mayor Peterson, that's our second consecutive year of being a Tree City USA. Tony also participated in a work-shop regarding the care and maintenance of trees.

13. Adjournment:

Councilmember Allen adjourned the meeting.

Time: 7:37pm.

APPROVED ON THIS _____ DAY OF _____, 2015

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Town Council CLOSED Meeting Minutes

April 8, 2015

1. Call to order:

Mayor Peterson called to order the "Closed" meeting of the Leeds Town Council at 6:31pm on April 8, 2015 at Leeds Town Hall, 218 North Main.

2. Roll Call:

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u> </u>	<u>x</u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u>x</u>

Councilmember Rohr arrived to the meeting at 6:33pm.

3. Purpose of the closed meeting was to discuss impending litigation and related matters as allowed by Utah state Law 52-4-205(1)(c)

4. Adjournment:

Mayor Peterson adjourned the meeting with the intent of reconvening the Public meeting after a motion by Councilmember Allen and 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u> </u>	<u> </u>	<u>x</u>

Time: 7:06pm.

APPROVED ON THIS _____ DAY OF _____, 2015

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Deputy Clerk/Recorder

**TOWN OF LEEDS
RESOLUTION 2015-01**

A RESOLUTION OF THE LEEDS TOWN COUNCIL TO ACCEPT SUBDIVISIONS, INC. ROADWAY & SLOPE EASEMENTS

WHEREAS, the Town Council of the Town of Leeds, Utah, held an open and public meeting on the 22nd day of April, 2015, to consider the acceptance of a perpetual roadway easement and slope easements for ingress and egress: and

WHEREAS, the Town Council of the Town of Leeds, Utah, by majority vote, is formally accepting the easements:

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMAN: RON CUNDICK	_____	_____	_____	_____
COUNCILMAN: ANGELA ROHR	_____	_____	_____	_____
COUNCILMAN: JOE ALLEN	_____	_____	_____	_____
COUNCILMAN: NATE BLAKE	_____	_____	_____	_____

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH, THAT the Town of Leeds does accept the perpetual roadway easement and slope easements for ingress and egress granted by Subdivisions, Inc. and authorizes the Mayor to submit said easements to Washington County for recording.

ADOPTED AND APPROVED THIS _____ DAY OF APRIL, 2015.

Mayor Wayne Peterson

Attest:

Deputy Clerk/Recorder, Kristi Barker

When Recorded Return To:
Leeds Town
218 North Main Street
PO Box 460879
Leeds Utah, 84746

Tax ID: 3268-A-1-LS

ROADWAY & SLOPE EASEMENTS

That in consideration of One Dollar and other good and valuable consideration paid to SUBDIVISIONS, INC., a Utah Corporation, herein referred to as Grantor, by the Town of Leeds, herein referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, transfer and convey unto Grantee, its successors and assigns, a perpetual roadway easement and slope easements for ingress and egress, to use, install, operate, maintain, repair, remove, relocate and replace a roadway, in and along real property owned by Grantor in Washington County, State of Utah, and the easement being more fully described as follows:

SEE EXHIBIT A, B, C and D

TO HAVE AND TO HOLD such property to Grantee, the Leeds Town, forever for the uses and purposes normally associated with a roadway and slope easement.

Grantee shall maintain the perpetual easements in good repair. Grantee does agree to in no way encumber said easements or subject it to the imposition of liens of any type during the term of this easement. If any improvement is installed, built, or placed within the easements, Grantor bears the risk of loss or damage to those improvements resulting from the exercise of the easements rights and the Town of Leeds is not responsible to repair, replace, maintain, indemnify or reimburse Grantor for any damage or loss.

The grant and other provisions of these easements shall constitute a covenant running with the land for the benefit of the Grantee its successors and assigns.

At any future time that Grantor or their assigns develops or improves the subject property they have the right to change or move the described roadway easements location provided Grantor or their assigns shall provide an equally adequate roadway dedication or easements across the subject property to maintain the intended access to the south boundary of the Silver Pointe Annexation at the point at which it is now connected with this instrument.

IN WITNESS WHEREOF, the Grantors has executed this instrument this 5th
day of may, 20 14.

GRANTOR: SUBDIVISIONS, INC.

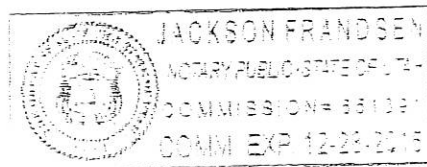
J. Gordon Casey V.P.
J. Gordon Casey, Vice President

STATE OF UTAH)
 ss.
County of Utah)

On the 6th day of May, 20 14, A.D., personally appeared before me J. Gordon Casey, who being by me duly sworn, did say that he is the Vice President of Subdivisions, Inc. a Utah Corporation, the corporation that executed the herein instrument and acknowledged the instrument to be the free and voluntary act and deed of the Corporation, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and on oath stated that he is authorized to execute this instrument on behalf of the Corporation.

My Commission Expires: 12-28-2015

Jackson Frandsen
Notary Public





43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

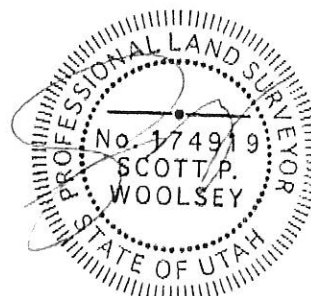
alphaengineering.com

EXHIBIT A

RIGHT OF WAY DESCRIPTION FOR A 66.00 FOOT WIDE ROADWAY ACROSS SUBDIVISIONS, INC. PROPERTY (April 30, 2014)

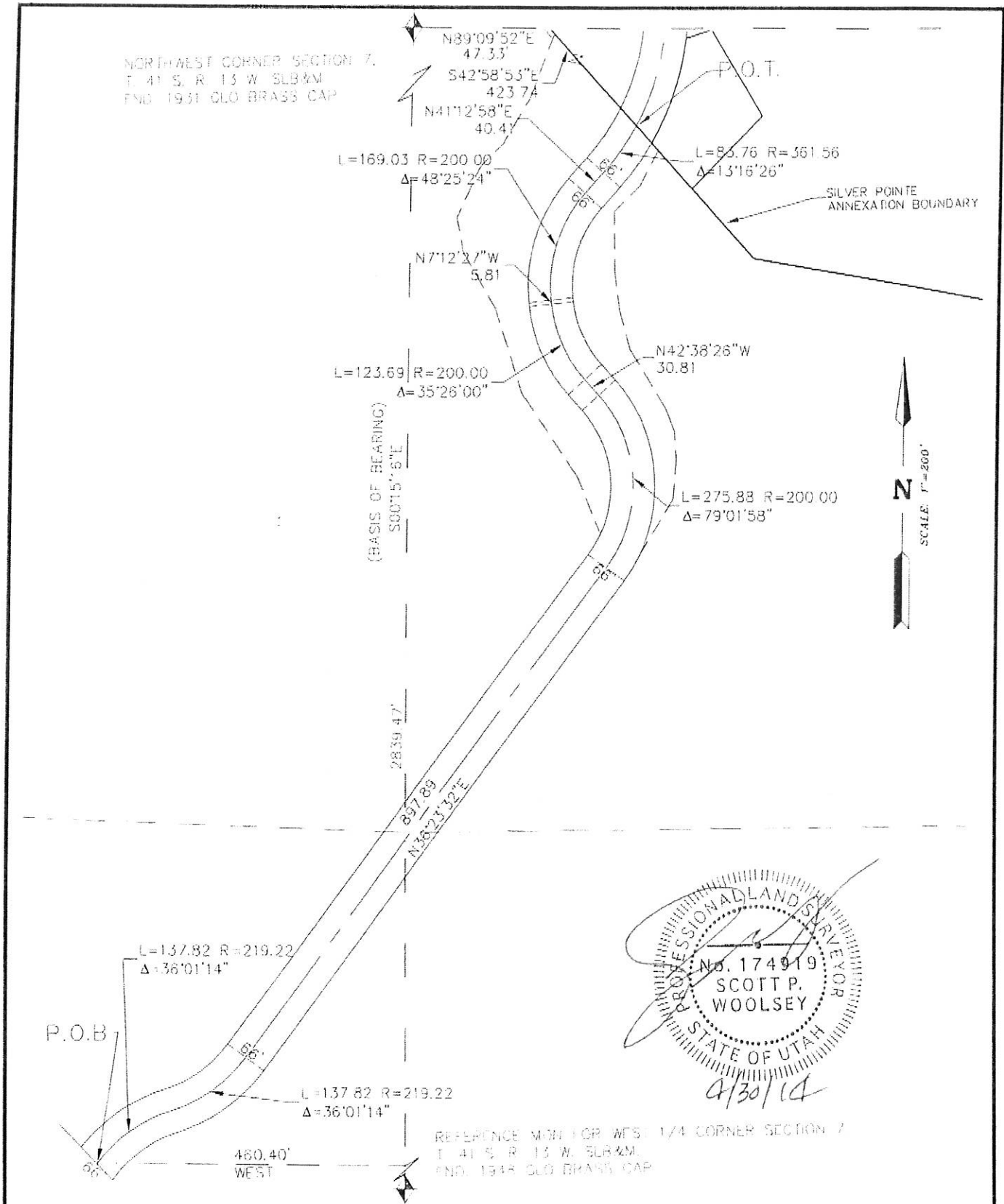
A 66.00 foot wide right-of-way, 33.00 feet each side of the following described centerline:

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South $00^{\circ}15'16''$ East along the Section line, a distance of 1838.96 feet; Thence West, a distance of 460.40 feet, to the Point of Beginning; said point being the beginning of a 219.22 foot radius curve to the right, the radius point of which bears South $53^{\circ}36'29''$ East, thence easterly along the arc of said curve, a distance of 137.82 feet, through a central angle of $36^{\circ}01'14''$, to the beginning of a 219.22 foot radius reverse curve to the left, thence northeasterly along the arc of said curve, a distance of 137.82 feet, through a central angle of $36^{\circ}01'14''$; Thence North $36^{\circ}23'32''$ East, a distance of 897.89 feet, to the beginning of a 200.00 foot radius curve to the left, thence northerly along the arc of said curve, a distance of 275.88 feet, through a central angle of $79^{\circ}01'58''$; Thence North $42^{\circ}38'26''$ West, a distance of 30.81 feet, to the beginning of a 200.00 foot radius curve to the right, thence northerly along the arc of said curve a distance of 123.69 feet, through a central angle of $35^{\circ}26'00''$; Thence North $07^{\circ}12'27''$ West, a distance of 5.81 feet, to the beginning of a 200.00 foot radius curve to the right, thence northeasterly along the arc of said curve, a distance of 169.03 feet, through a central angle of $48^{\circ}25'24''$; Thence North $41^{\circ}12'58''$ East, a distance of 40.41 feet, to the beginning of a 361.56 foot radius curve to the left, thence northerly along the arc of said curve, a distance of 83.76 feet, through a central angle of $13^{\circ}16'26''$, to the Point of Terminus, said point being on the southerly line of the Silver Pointe Annexation boundary, point being located North $89^{\circ}09'52''$ East, along the north section line of said Section 7, a distance of 47.33 feet, and South $42^{\circ}58'53''$ East, a distance of 423.57 feet from the Northwest Corner of said Section 7.

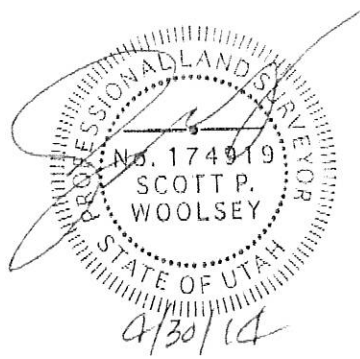


4/30/14

C:\Users\Surveyor\Drawings\B2-47-700\66' Right-Of-Way\related.dwg, 6/30/2014 1:11:13 PM, saved



66' RIGHT OF WAY ACROSS
SUBDIVISIONS, INC. PROPERTY
EXHIBIT "B"





ALPHA
ENGINEERING

43 South 100 East, Suite 100 • St George, Utah 84770
T 435 828 0500 • F 435 828 0553 • alphaengineering.com



43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

alphaengineering.com

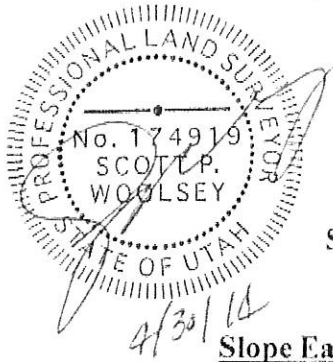


EXHIBIT C

SLOPE EASEMENTS ACROSS SUBDIVISION, INC. PROPERTY (April 30, 2014)

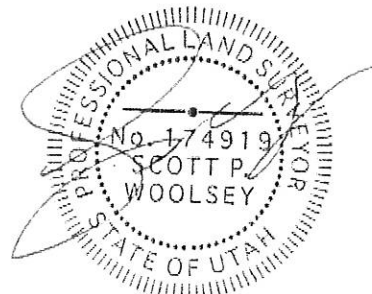
Slope Easement #1

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South $00^{\circ}15'16''$ East along the Section line, a distance of 908.07 feet; Thence East, a distance of 288.28 feet, to the Point of Beginning; Thence North $22^{\circ}42'35''$ West, a distance of 90.25 feet; Thence North $34^{\circ}27'31''$ West, a distance of 147.62 feet; Thence North $18^{\circ}22'49''$ West, a distance of 131.60 feet; Thence North $30^{\circ}53'31''$ West, a distance of 95.22 feet; Thence North $11^{\circ}57'14''$ West, a distance of 52.54 feet; Thence North $24^{\circ}00'39''$ East, a distance of 81.14 feet; Thence North $44^{\circ}34'26''$ East, a distance of 49.28 feet; Thence North $29^{\circ}36'38''$ East, a distance of 76.01 feet; Thence North $19^{\circ}54'10''$ East, a distance of 99.90 feet, to a point on the Southerly line of the Silver Pointe Annexation boundary; Thence South $42^{\circ}58'53''$ East, along said line, a distance of 147.29 feet, to a point on a 328.56 foot radius curve to the right, the radius point of which bears North $64^{\circ}03'37''$ West, thence leaving said Silver Pointe annexation line and running southwesterly along the arc of said curve a distance of 87.60 feet, through a central angle of $15^{\circ}16'35''$; Thence South $41^{\circ}12'58''$ West, a distance of 40.41 feet, to the beginning of a 233.00 foot radius curve to the left, thence along the arc of said curve a distance of 196.92 feet, through a central angle of $48^{\circ}25'24''$; thence South $07^{\circ}12'27''$ East, a distance of 5.81 feet, to the beginning of a 233.00 foot radius curve to the left, thence along the arc of said curve a distance of 144.09 feet, through a central angle of $35^{\circ}26'00''$; Thence South $42^{\circ}38'26''$ East, a distance of 30.81 feet, to the beginning of a 167.00 foot radius curve to the right, thence along the arc of said curve a distance of 194.74 feet, through a central angle of $66^{\circ}48'43''$, to the Point of Beginning.

Slope Easement #2

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South $00^{\circ}15'16''$ East along the Section line, a distance of 940.00 feet; Thence East, a distance of 346.09 feet, to the Point of Beginning, said point being on a 233.00 foot radius curve to the left, the radius point of which bears North $64^{\circ}30'06''$ West, thence northerly along the arc of said curve, a distance of 277.09 feet, through a central angle of $68^{\circ}08'20''$; Thence North $42^{\circ}38'26''$ West, a distance of 30.81 feet, to the beginning of 167.00 foot radius curve to the right, thence along the arc of said curve a distance of 103.28 feet, through a central angle of $35^{\circ}26'00''$; Thence North $07^{\circ}12'27''$ West, a distance of 5.81 feet, to the beginning of a 167.00 foot radius

curve to the right, thence along the arc of said curve, a distance of 141.14 feet, through a central angle of $48^{\circ}25'24''$; Thence North $41^{\circ}12'58''$ East, a distance of 40.41 feet, to the beginning of a 394.56 foot radius curve to the left, thence along the arc of said curve a distance of 80.05 feet, through a central angle of $11^{\circ}37'28''$, to a point on the South line of the Silver Point Annexation boundary; Thence South $42^{\circ}58'53''$ East, along said line, a distance of 15.13 feet; thence leaving said Silver Point Annexation line, and running South $27^{\circ}29'03''$ West, a distance of 58.36 feet; Thence South $44^{\circ}57'40''$ West, a distance of 53.11 feet; Thence South $01^{\circ}24'55''$ East, a distance of 88.30 feet; Thence South $08^{\circ}13'54''$ East, a distance of 55.65 feet; Thence South $16^{\circ}03'39''$ East, a distance of 61.79 feet; Thence South $32^{\circ}40'16''$ East, a distance of 101.89 feet; Thence South $22^{\circ}18'45''$ East, a distance of 35.36 feet; Thence South $04^{\circ}43'43''$ East, a distance of 41.52 feet; Thence South $03^{\circ}53'00''$ West, a distance of 58.52 feet; Thence South $31^{\circ}07'07''$ West, a distance of 97.96 feet, to the Point of Beginning.



4/30/14

SLOPE EASEMENT

—SILVER POINT
ANNEXATION BOUNDARY

(BASIS OF BEARING)

M

SCALE: 1"=200'

REFERENCE MON FOR WEST 1/4 CORNER SECTION 4,
T. 41 S. R. 13 W. S.B.&M
END. 1943 G.L.C. BRASS CAP



ALPHA
ENGINEERING

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T: 435 828 8500 • F: 435 828 8553 • alphaengineering.com

Existing Fuel Tax (2014 B&C Distribution)		
Washington County	\$	1,299,931
Apple Valley	\$	47,752
Enterprise	\$	84,203
Hildale	\$	85,506
Hurricane	\$	573,964
Ivins	\$	273,715
LaVerkin	\$	136,510
Leeds	\$	44,839
New Harmony	\$	8,981
Rockville	\$	15,212
Santa Clara	\$	229,863
Springdale	\$	17,499
St. George	\$	2,389,299
Toquerville	\$	71,819
Virgin	\$	64,528
Washington City	\$	729,211
Total	\$	6,072,832

Additional Fuel Tax (\$0.05 per gallon) (12% as price rises)		
	\$	264,251
	\$	11,046
	\$	15,333
	\$	17,205
	\$	106,163
	\$	50,540
	\$	25,350
	\$	8,203
	\$	1,694
	\$	2,469
	\$	42,649
	\$	3,241
	\$	448,500
	\$	13,281
	\$	12,543
	\$	133,958
	\$	1,156,426

Optional Local Sales Tax (.25%) ** (Based on CY2014 Taxable Sales, assumes every county imposes tax)				
0.05% to County	.1% to Cities Roads/Highways	0.1% to Transit	or	0.1% to County***
\$ 27,242	\$ 6,718			\$ -
\$ 3,359	\$ 17,780			\$ 6,718
\$ 8,890	\$ 29,025			\$ 17,780
\$ 14,513	\$ 205,381			\$ 29,025
\$ 102,691	\$ 76,450			\$ 205,381
\$ 38,225	\$ 39,642			\$ 76,450
\$ 19,821	\$ 7,726			\$ 39,642
\$ 3,863	\$ 2,405			\$ 7,726
\$ 1,203	\$ 2,260			\$ 2,405
\$ 1,130	\$ 60,495			\$ 2,260
\$ 30,248	\$ 39,525			\$ 60,495
\$ 19,763	\$ 1,423,673	\$ 1,648,747		\$ 39,525
\$ 711,837	\$ 12,294			\$ -
\$ 6,147	\$ 6,147			\$ 12,294
\$ 3,074	\$ 316,323			\$ 6,147
\$ 158,162				\$ 316,323
\$ 1,150,164	\$ 2,245,844	\$ 1,648,747		\$ 822,171

** May need adjustment based on number of implementing Counties
 *** Until transit District is formed to encompass these cities

LAND USE ORDINANCE 2008-04

CHAPTER 20

HILLSIDE PROTECTION OVERLAY ZONE (HPO)

Amended by Ordinance 2015-02

20.1. PURPOSE AND INTENT.

The purpose of the Hillside Protection Overlay Zone is to protect the health, safety, and general welfare of the residents of the Town of Leeds by establishing procedures for the development of sensitive hillsides within the Town. The standards set forth herein are intended to: 1) minimize adverse soils and slope instability; 2) decrease potential erosion; and 3) reduce the adverse affects of grading and cut and fill operations. These procedures are also intended to preserve the natural character of hillsides and encourage development that is in harmony with the aesthetics and character of the Town.

20.1.1. The provisions herein are intended to achieve the following:

- 20.1.1.1.** To preserve the most visually significant slope banks and ridge lines in their natural state by clustering development into meaningful neighborhood units.
- 20.1.1.2.** To encourage the location, design and development of building sites which provide maximum safety and human enjoyment, while adapting the development to the natural terrain.
- 20.1.1.3.** To minimize the effects of grading and ensure that the natural character of the hillside is retained. In addition, to minimize the scarring and erosion affect of cutting, filling, and other development activities on hillsides.
- 20.1.1.4.** To preserve -visually significant rock out-croppings, native plant materials, natural hydrology, and areas of historical or visual significance.
- 20.1.1.5.** To encourage development that is designed to include the natural landscape as a major part of the site, thereby achieving a feeling of continuity throughout the project area.
- 20.1.1.6.** To preserve views of significant visual features as viewed both within the hillside community as well as outside the hillside community.

- 20.1.1.7. To discourage mass grading of large pads and excessive terracing.
- 20.1.1.8. To prohibit activities and uses that would result in the degradation of fragile soils and steep slopes.
- 20.1.1.9. To prevent damage to lower property no cut or fill operations is allowed within twenty (20) feet of the edge of a hillside or within any area where material may slide over the hillside, which ever is the greater distance.

20.2. APPLICABILITY AND SPECIAL EXCEPTION.

This Chapter shall apply to all zoning districts listed in Chapter 12 of this Ordinance and not as a separate zone. This Chapter shall especially apply to development of land locations having sloping terrain of twenty percent or more ($\geq 20\%$), and shall also apply where slopes are less than twenty percent ($\leq 20\%$) if after recommendation by the Planning Commission, the Town Council considers it is warranted in order to meet the enumerated purpose and intent of this Chapter. There shall be no development of any kind on land having a slope of thirty percent or more ($\geq 30\%$). Despite the prohibition of any development on land having a slope of thirty percent or more ($\geq 30\%$), a special exception is granted only with regard to the development of an alternate to Silver Reef Road as an access, to allow the construction and development of an access road, originating near the Silver Reef Catholic Cemetery and continuing through the land covered by and roughly within the easement described in the agreement dated May 5, 2014, between Subdivisions, Inc. and Town of Leeds, attached hereto as Exhibit A. Despite this special exception, the construction and development of this access road shall be done strictly in accordance with all other terms of this Chapter and all other applicable ordinances, standards and specifications.

20.3. OVERLAY ZONE.

The Hillside Protection Overlay Zone established by this Chapter shall overlay the existing zoning classifications listed in the Land Use Ordinance. In cases of conflict between the provisions of this Chapter, other zoning classifications, the Uniform Building Code, or the Town of Leeds Subdivision Ordinance, the most restrictive provisions shall apply.

20.4. MAPS.

Zoning maps for the Town of Leeds may not show all the areas where the Hillside Protection Overlay Zone Ordinance applies. In absence of a map concerning a particular area, land with slopes of eleven degrees (11°) or twenty-percent (20%) or steeper shall be specifically applicable. However, this Ordinance applies to all areas of the Town of Leeds. If developers or property owners are unsure whether the Ordinance applies, they may hire a surveyor to make that determination.

20.5. APPLICATION PROCEDURE.

- 20.5.1.** All application procedures described in this Ordinance, the Leeds Town subdivision Ordinance for subdivision plats, and all other applicable Leeds Town ordinances shall be adhered to as described in the underlying zoning district.
- 20.5.2.** In addition, any application for a use in the Hillside Protection Overlay Zone shall include a conceptual plan of the proposed development that shall include the following:
- 20.5.2.1.** The type and nature of the development.
 - 20.5.2.2.** The goals and objectives of the developer.
 - 20.5.2.3.** The development's relation to the compatibility with the Town of Leeds General Plan.
 - 20.5.2.4.** The required reports described in Section 20.6. below. The conceptual plan shall be reviewed by the Planning Commission and the Town Council. The review may determine the extent of required plans necessary to meet the intent of this Ordinance. The review may also establish conditions for the approval based on the findings of such reports. These conditions shall become a part of the record and be considered binding upon the applicant as part of an approved plan.

20.6. REQUIRED REPORTS.

The following described reports may be required by the Planning Commission or Town Council. The extent of such reports shall be determined by the Planning Commission or the Town Council after consideration of the purpose and intent of this Chapter in relation to the proposed development.

20.6.1. General Information.

- 20.6.1.1.** Name, address, and telephone number of applicant.
- 20.6.1.2.** Name, addresses, and telephone numbers of the person(s) responsible for the preparation of any required reports.
- 20.6.1.3.** Date of application.
- 20.6.1.4.** A vicinity map showing the location of the site in relationship to the surrounding area's watercourse, hillsides, prominent geographic features, roads, and other significant structures.
- 20.6.1.5.** Boundary lines of the site and development to be made thereon.

- 20.6.1.6. Signatures of the owners of the site or of an authorized representative.

20.6.2. Technical Reports.

20.6.2.1. Grading Plan.

The grading plan shall show the existing and proposed contours and cross-sections. Accurate contours showing the topography of the existing ground extending at least one hundred (100) feet outside all boundary lines of the site, or significant to show on the off-site drainage, shall also be included.

20.6.2.2. Drainage Plan.

The drainage plan shall show all surface and subsurface drainage systems and facilities, walls, curbing or other erosion protection devices to be constructed in connection with, or as part of the proposed work, together with a map showing the drainage area and estimated run-off of the area to be served by any drainage systems or facilities.

20.6.2.3. Facilities Map.

This map shall show any existing and proposed buildings or structures, easements and drainage channels on the property where the work is to be performed. In addition, the locations of any buildings or structures on adjacent property that may be affected by grading operations shall be shown.

20.6.2.4. Soils Report.

The soils report shall be prepared by an engineering geologist and/or geo-technical engineer. The report shall include at least the following:

- 20.6.2.4.1. Slope stability analysis:** conclusions and recommendations concerning the effects of material removal, introduction of water, ground shaking, and erosion on slope stability.

- 20.6.2.4.2. Foundation Investigation:** Conclusions and recommendations concerning the effects of soil conditions on foundation and structural stability, including bearing capacity, shear strength, and shrink-swell potential of soils on the site.

- 20.6.2.4.3.** The location and yield of springs and seeps on the site, evaluation of soil permeability for septic systems if proposed for use.

20.6.2.4.4. Conclusions and recommendations regarding means to increase safety during and after construction and means to minimize adverse effects to property.

20.6.2.5. Geology Report.

The geology report shall be prepared by a qualified geologist or geotechnical engineer and shall contain at least the following:

20.6.2.5.1. Location and size of the subject area and its general setting, noting any aquifers, shale units, and poorly consolidated materials.

20.6.2.5.2. Structural features including any geological limitations.

20.6.2.5.3. Existence of surface hazards including potential for rock falls and toppling failures in cliffs, slopes, and overhangs above the subject property.

20.6.2.5.4. Conclusions and recommendations regarding the effects of geologic conditions on the proposed development, recommendations identifying the means proposed to minimize any hazard to life or property, or any adverse impact on the natural environment.

20.6.2.6. Vegetation Report.

A vegetation plan and report shall be prepared by a qualified landscape architect who, by training and experience, has expert knowledge of the subject. The report shall include a plan of any proposed re-vegetation of the site or modifications to existing vegetation, and a plan for the preservation of existing vegetation during construction activities.

20.6.2.7. Other Reports.

Other reports deemed necessary by the Planning Commission or the Town Council to assure the health, safety, and welfare of the project residents or general public may be requested from the applicant by written specification. Such reports shall be submitted with other application materials.

20.7. APPROVAL REQUIRED BEFORE EXCAVATION.

It shall be unlawful to excavate or grade any area within the Hillside Protection Overlay Zone prior to the final approval of the conceptual plan by the Town Council. In addition to the penalties outlined in Section 1.13 of this Ordinance, the Town of Leeds may enter legal proceedings to require any person who violates this Section to return a site to the condition found prior to any disturbance.

20.8. BONDING.

The Planning Commission and Town Council will require the applicant to post a suitable bond to ensure project completion according to approved plans and completion of re-vegetation projects, the stabilization of a grading site, cuts, and fills, the construction of storm water drainage facilities, or other hazard mitigation measures required in the approval of an application. Such bonds shall comply with the provisions outlined in the Town of Leeds Subdivision Ordinance. If the applicant is a state entity, the bond shall be filed to the Town by the subcontractors.

20.9. APPEALS.

20.9.1. In the event of a disagreement with the requirements imposed by an officer of the Town of Leeds in connection with this Chapter, an applicant may appeal the matter to the Board of Adjustment by filing a notice of appeal at the Town Office within ten (10) working days of the decision of the Town. Such appeal shall be scheduled for review by the Board of Adjustment.

20.9.2. The Board of Adjustment may uphold, modify or rescind any requirements imposed by the Planning Commission or the Town Council, but must ensure that the purposes of this Chapter are met.

20.9.3. Any further appeals must be made through the court system.

20.10. DEVELOPMENTS OF RECORD.

The requirements of this Chapter shall not apply to developments or subdivisions that were approved prior to January 1, 1999.

EXHIBIT A

When Recorded Return To:

Leeds Town
218 North Main Street
PO Box 460879
Leeds Utah, 84746

Tax ID: 3268-A-1-LS

ROADWAY & SLOPE EASEMENTS

That in consideration of One Dollar and other good and valuable consideration paid to SUBDIVISIONS, INC., a Utah Corporation, herein referred to as Grantor, by the Town of Leeds, herein referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, transfer and convey unto Grantee, its successors and assigns, a perpetual roadway easement and slope easements for ingress and egress, to use, install, operate, maintain, repair, remove, relocate and replace a roadway, in and along real property owned by Grantor in Washington County, State of Utah, and the easement being more fully described as follows:

SEE EXHIBIT A, B, C and D

TO HAVE AND TO HOLD such property to Grantee, the Leeds Town, forever for the uses and purposes normally associated with a roadway and slope easement.

Grantee shall maintain the perpetual easements in good repair. Grantee does agree to in no way encumber said easements or subject it to the imposition of liens of any type during the term of this easement. If any improvement is installed, built, or placed within the easements, Grantor bears the risk of loss or damage to those improvements resulting from the exercise of the easements rights and the Town of Leeds is not responsible to repair, replace, maintain, indemnify or reimburse Grantor for any damage or loss.

The grant and other provisions of these easements shall constitute a covenant running with the land for the benefit of the Grantee its successors and assigns.

At any future time that Grantor or their assigns develops or improves the subject property they have the right to change or move the described roadway easements location provided Grantor or their assigns shall provide an equally adequate roadway dedication or easements across the subject property to maintain the intended access to the south boundary of the Silver Pointe Annexation at the point at which it is now connected with this instrument.

IN WITNESS WHEREOF, the Grantors has executed this instrument this 5th
day of May, 2014.

EXHIBIT A

GRANTOR: SUBDIVISIONS, INC.

J. Gordon Casey v.p.
J. Gordon Casey, Vice President

STATE OF UTAH)

ss.

County of Utah)

On the 6th day of May, 20 14, A.D., personally appeared before me J. Gordon Casey, who being by me duly sworn, did say that he is the Vice President of Subdivisions, Inc. a Utah Corporation, the corporation that executed the herein instrument and acknowledged the instrument to be the free and voluntary act and deed of the Corporation, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and on oath stated that he is authorized to execute this instrument on behalf of the Corporation.

My Commission Expires: 12-28-2015

Jackson Frandsen
Notary Public

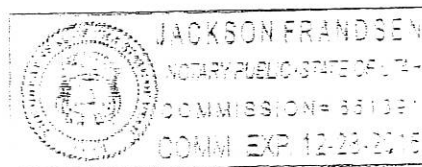


EXHIBIT A



43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

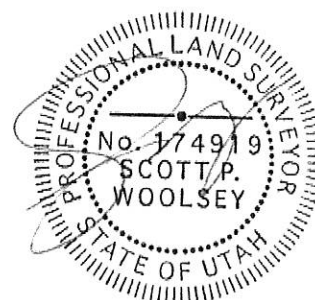
alphaengineering.com

EXHIBIT A

RIGHT OF WAY DESCRIPTION FOR A 66.00 FOOT WIDE ROADWAY ACROSS SUBDIVISIONS, INC. PROPERTY (April 30, 2014)

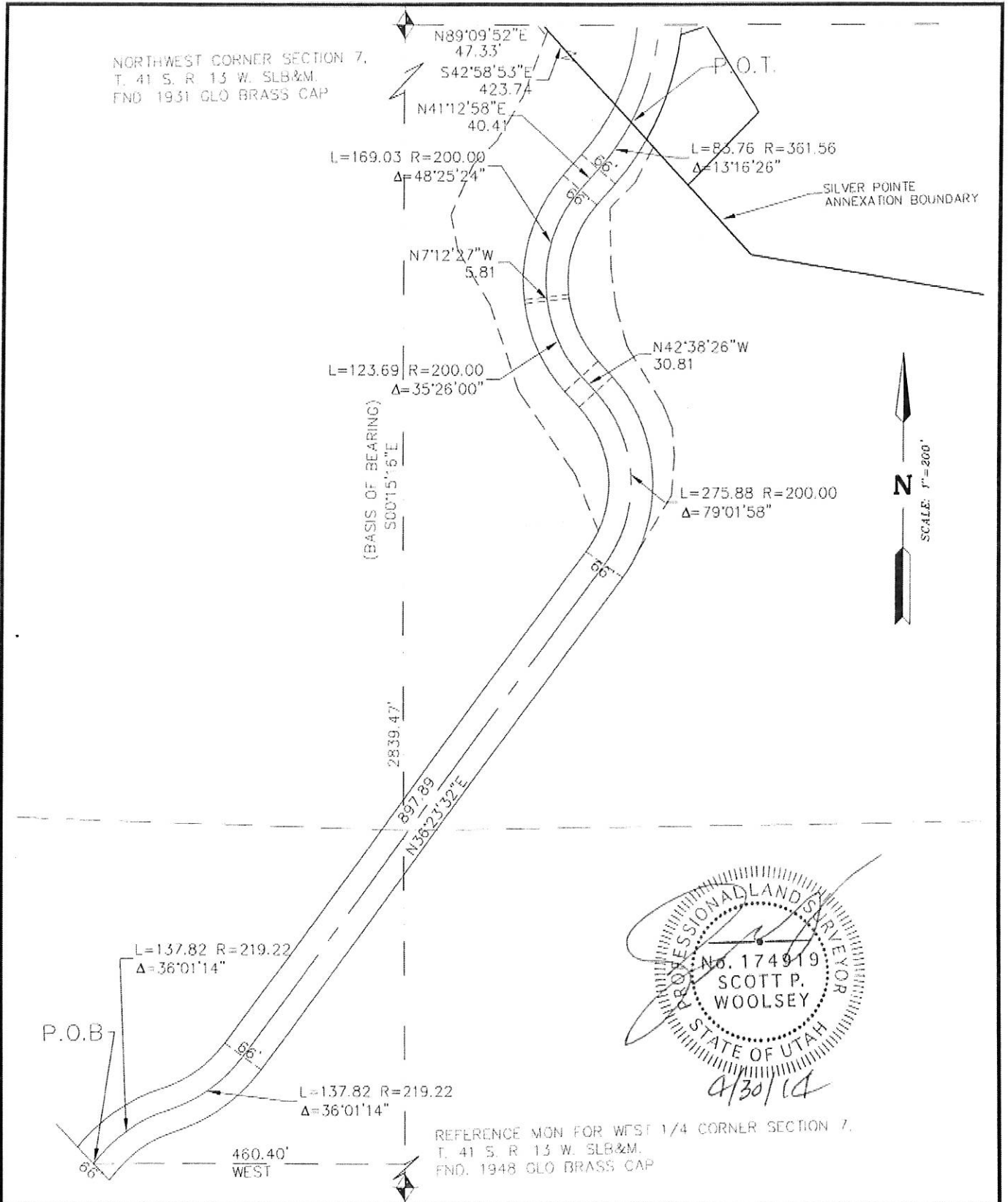
A 66.00 foot wide right-of-way, 33.00 feet each side of the following described centerline:

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South $00^{\circ}15'16''$ East along the Section line, a distance of 1838.96 feet; Thence West, a distance of 460.40 feet, to the Point of Beginning; said point being the beginning of a 219.22 foot radius curve to the right, the radius point of which bears South $53^{\circ}36'29''$ East, thence easterly along the arc of said curve, a distance of 137.82 feet, through a central angle of $36^{\circ}01'14''$, to the beginning of a 219.22 foot radius reverse curve to the left, thence northeasterly along the arc of said curve, a distance of 137.82 feet, through a central angle of $36^{\circ}01'14''$; Thence North $36^{\circ}23'32''$ East, a distance of 897.89 feet, to the beginning of a 200.00 foot radius curve to the left, thence northerly along the arc of said curve, a distance of 275.88 feet, through a central angle of $79^{\circ}01'58''$; Thence North $42^{\circ}38'26''$ West, a distance of 30.81 feet, to the beginning of a 200.00 foot radius curve to the right, thence northerly along the arc of said curve a distance of 123.69 feet, through a central angle of $35^{\circ}26'00''$; Thence North $07^{\circ}12'27''$ West, a distance of 5.81 feet, to the beginning of a 200.00 foot radius curve to the right, thence northeasterly along the arc of said curve, a distance of 169.03 feet, through a central angle of $48^{\circ}25'24''$; Thence North $41^{\circ}12'58''$ East, a distance of 40.41 feet, to the beginning of a 361.56 foot radius curve to the left, thence northerly along the arc of said curve, a distance of 83.76 feet, through a central angle of $13^{\circ}16'26''$, to the Point of Terminus, said point being on the southerly line of the Silver Pointe Annexation boundary, point being located North $89^{\circ}09'52''$ East, along the north section line of said Section 7, a distance of 47.33 feet, and South $42^{\circ}58'53''$ East, a distance of 423.57 feet from the Northwest Corner of said Section 7.



4/30/14

EXHIBIT A



66' RIGHT OF WAY ACROSS
SUBDIVISIONS, INC. PROPERTY
EXHIBIT "B"



43 South 100 East, Suite 100 • St George, Utah 84770
T 435.828.8500 • F 435.828.6553 • alphaengineering.com

EXHIBIT A



43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

alphaengineering.com

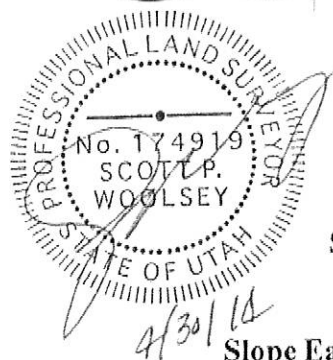


EXHIBIT C

SLOPE EASEMENTS ACROSS SUBDIVISION, INC. PROPERTY (April 30, 2014)

Slope Easement #1

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South $00^{\circ}15'16''$ East along the Section line, a distance of 908.07 feet; Thence East, a distance of 288.28 feet, to the Point of Beginning; Thence North $22^{\circ}42'35''$ West, a distance of 90.25 feet; Thence North $34^{\circ}27'31''$ West, a distance of 147.62 feet; Thence North $18^{\circ}22'49''$ West, a distance of 131.60 feet; Thence North $30^{\circ}53'31''$ West, a distance of 95.22 feet; Thence North $11^{\circ}57'14''$ West, a distance of 52.54 feet; Thence North $24^{\circ}00'39''$ East, a distance of 81.14 feet; Thence North $44^{\circ}34'26''$ East, a distance of 49.28 feet; Thence North $29^{\circ}36'38''$ East, a distance of 76.01 feet; Thence North $19^{\circ}54'10''$ East, a distance of 99.90 feet, to a point on the Southerly line of the Silver Pointe Annexation boundary; Thence South $42^{\circ}58'53''$ East, along said line, a distance of 147.29 feet, to a point on a 328.56 foot radius curve to the right, the radius point of which bears North $64^{\circ}03'37''$ West, thence leaving said Silver Pointe annexation line and running southwesterly along the arc of said curve a distance of 87.60 feet, through a central angle of $15^{\circ}16'35''$; Thence South $41^{\circ}12'58''$ West, a distance of 40.41 feet, to the beginning of a 233.00 foot radius curve to the left, thence along the arc of said curve a distance of 196.92 feet, through a central angle of $48^{\circ}25'24''$; thence South $07^{\circ}12'27''$ East, a distance of 5.81 feet, to the beginning of a 233.00 foot radius curve to the left, thence along the arc of said curve a distance of 144.09 feet, through a central angle of $35^{\circ}26'00''$; Thence South $42^{\circ}38'26''$ East, a distance of 30.81 feet, to the beginning of a 167.00 foot radius curve to the right, thence along the arc of said curve a distance of 194.74 feet, through a central angle of $66^{\circ}48'43''$, to the Point of Beginning.

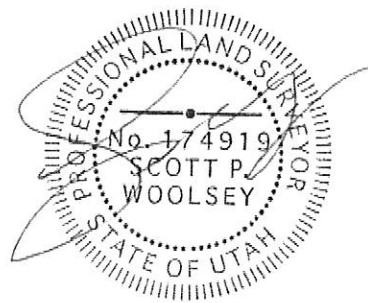
Slope Easement #2

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South $00^{\circ}15'16''$ East along the Section line, a distance of 940.00 feet; Thence East, a distance of 346.09 feet, to the Point of Beginning, said point being on a 233.00 foot radius curve to the left, the radius point of which bears North $64^{\circ}30'06''$ West, thence northerly along the arc of said curve, a distance of 277.09 feet, through a central angle of $68^{\circ}08'20''$; Thence North $42^{\circ}38'26''$ West, a distance of 30.81 feet, to the beginning of 167.00 foot radius curve to the right, thence along the arc of said curve a distance of 103.28 feet, through a central angle of $35^{\circ}26'00''$; Thence North $07^{\circ}12'27''$ West, a distance of 5.81 feet, to the beginning of a 167.00 foot radius

EXHIBIT A

Page 2 of 2

curve to the right, thence along the arc of said curve, a distance of 141.14 feet, through a central angle of $48^{\circ}25'24''$; Thence North $41^{\circ}12'58''$ East, a distance of 40.41 feet, to the beginning of a 394.56 foot radius curve to the left, thence along the arc of said curve a distance of 80.05 feet, through a central angle of $11^{\circ}37'28''$, to a point on the South line of the Silver Point Annexation boundary; Thence South $42^{\circ}58'53''$ East, along said line, a distance of 15.13 feet; thence leaving said Silver Point Annexation line, and running South $27^{\circ}29'03''$ West, a distance of 58.36 feet; Thence South $44^{\circ}57'40''$ West, a distance of 53.11 feet; Thence South $01^{\circ}24'55''$ East, a distance of 88.30 feet; Thence South $08^{\circ}13'54''$ East, a distance of 55.65 feet; Thence South $16^{\circ}03'39''$ East, a distance of 61.79 feet; Thence South $32^{\circ}40'16''$ East, a distance of 101.89 feet; Thence South $22^{\circ}18'45''$ East, a distance of 35.36 feet; Thence South $04^{\circ}43'43''$ East, a distance of 41.52 feet; Thence South $03^{\circ}53'00''$ West, a distance of 58.52 feet; Thence South $31^{\circ}07'07''$ West, a distance of 97.96 feet, to the Point of Beginning.



4/30/14

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